

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 98-322-T - ORDER NO. 1999-451

JUNE 24, 1999

IN RE: Application of Tonya J. Glaser DBA Glaser	)	ORDER
& Sons Local Mooving, 5 Farming Creek	)	GRANTING
Drive, Simpsonville, SC 29681, for a Class E	)	CERTIFICATE
Certificate of Public Convenience and	)	
Necessity.	)	
	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Tonya J. Glaser dba Glaser & Sons Local Mooving (Glaser or the Applicant), 5 Farming Creek Drive, Simpsonville, South Carolina 29681 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210 (1):

Between points and places in Greenville and Spartanburg Counties  
To points and places in South Carolina and between points and places  
In South Carolina to Greenville and Spartanburg Counties.

The Commission's Executive Director instructed Glaser to publish in a newspaper of general circulation in the service area desired a Notice of Filing, instructing the public as to how it could participate in the proceeding. Petitions to Intervene were received from Austin Moving & Storage Co. Inc., Lytle's Transfer & Storage, Inc., Carey Moving & Storage of Greenville, Inc., Carey Moving & Storage, Inc., Arrow Moving & Storage, Inc., and Greenville Spartanburg Moving & Storage Co., Inc.

Accordingly, a hearing was held before the Commission in the offices of the Commission on May 13, 1999 at 10:30 AM, with the Honorable Philip T. Bradley, Chairman, presiding. The Applicant was not represented by counsel. The Applicant, however, presented the testimony of Robert S. Glaser, Scott Glaser, Tonya Glaser, Brandon Hawkins, Dean Hawkins, and Aphrodite Kondoros. None of the intervenors were represented by counsel. However, John F. Austin, Jr. testified on behalf of Austin Moving & Storage Co., Inc., B.R. Bland testified on behalf of Lytle's Transfer & Storage, Inc., Michael Carey testified on behalf of Carey Moving & Storage of Greenville, Inc., and Pat Carey testified on behalf of Carey Moving & Storage, Inc. No witnesses appeared on behalf of Arrow Moving & Storage, Inc. or Greenville Spartanburg Moving & Storage Co., Inc. F. David Butler, General Counsel, represented the Commission Staff. The Commission Staff presented no witnesses.

Bob Glaser, husband of the Applicant Tonya Glaser, testified that he had 23 years of experience in the moving business, and had owned a moving company for 7 years. Glaser noted that the Applicant had no real desire to do long distance moves, but would be satisfied with authority that would allow him to make moves within a 30 mile area of Greenville. Glaser went on to describe the equipment owned by the Company, its facilities and employees, and its insurance coverages. Brandon Hawkins and Dean Hawkins, employees of Servicemaster, testified that Glaser would move burned furniture out of houses that have burned, and will work weekends to help, if necessary. Aphrodite Konduros testified as a shipper witness for the Applicant. She noted that the Applicant had moved her from Greenville to Taylors, from Taylors to Greer, and on one other

occasion. Konduros noted that it is very difficult to get moved short distances in the Greenville area, but that Glaser had taken care of her needs in a very professional manner, and charged her reasonable rates. Scott Glaser and Tonya Glaser also testified.

With regard to the Intervenor, John Austin testified that his Company will move anything that anyone desires, although it may not be on the exact date that the shipper wants, and that there could be delays in availability of equipment during certain periods, although Austin also testified to excess capacity being present at other times.

Bill Bland, Michael Carey, and Pat Carey also testified as to excess capacity being available from their companies at various times that would be available for moves such as those described by Ms. Konduros.

S.C. Code Ann. Section 58-23-590 (C) (Supp. 1998) states that the Commission shall issue a common carrier certificate or contract carrier permit of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service, etc., and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity. Further, our regulation 103-133 (1) states that the public convenience and necessity criterion must be shown by the use of shipper witnesses.

We have considered the evidence before us and conclude that the Applicant has shown that it is fit, willing, and able to perform the proposed service. Bob Glaser, the principal participant in the Company, has 23 years service in the moving business, and although it appears that Glaser made several illegal moves in the period before the hearing, Glaser seemed to have the equipment, know-how, and ability to complete the

moves requested. We do not condone the illegal moves apparently made, but the testimony at least shows that the Applicant is fit, willing, and able to provide service. It also appears to us that at least a version of the proposed service is required by the present public convenience and necessity. Ms. Kondoros credibly testified that she found it difficult to find a mover to move her household goods for short distances. Glaser seems to meet that description. Glaser testified that he would prefer authority to be granted within a 30 mile radius of Greenville. We think Glaser has proved its case in that regard, although a “radius” criteria has often been difficult to enforce.

Although we understand the Intervenor’s testimony with regard to the fact that they may have excess capacity at times, it appears to us that the Applicant can fill a niche in the present market, and that his service is required by the public convenience and necessity. Because of the difficulty of enforcing a “radius” criteria, we grant the Applicant the following authority:

Between points and places in Greenville and Spartanburg Counties and  
From points and places in Greenville and Spartanburg Counties to points  
And places in Union, Laurens, Anderson, Pickens, and Oconee Counties  
And from points and places in Union, Laurens, Anderson, Pickens, and  
Oconee Counties to points and places in Greenville and Spartanburg  
Counties.

Even though this may not be an exact “30 mile radius,” we believe that it closely approximates the authority requested by the Applicant in its testimony, and that is justified and proven by the evidence before this Commission. Under this authority, any moves made by the Applicant must either originate or terminate in either Greenville or Spartanburg Counties. We therefore grant the Applicant a Class E Certificate of Public Convenience and Necessity for the movement of household goods as limited by the

above-stated geographic criteria, and contingent on compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED:

1. That the application for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Greenville and Spartanburg Counties and From points and places in Greenville and Spartanburg Counties to points and places in Union, Laurens, Anderson, Pickens, and Oconee Counties and from points and places in Union, Laurens, Anderson, Pickens, and Oconee Counties to points and places in Greenville and Spartanburg Counties.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

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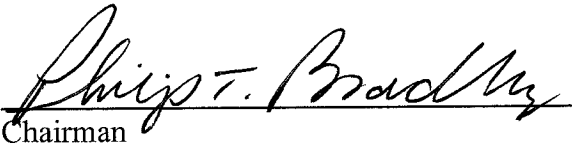
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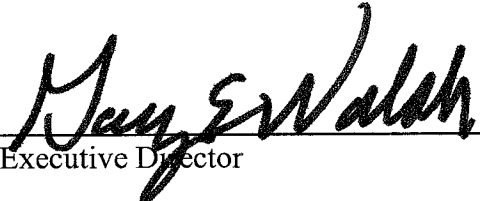
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)